

**59-9-102.5 Offset for occupational health and safety related donations.**

(1) As used in this section:

- (a) "Occupational health and safety center" means the Rocky Mountain Center for Occupational and Environmental Health created in Title 53B, Chapter 17, Part 8, Rocky Mountain Center for Occupational and Environmental Health.
- (b) "Qualified donation" means a donation that is:
  - (i) cash;
  - (ii) given directly to an occupational health and safety center; and
  - (iii) given exclusively for the purpose of:
    - (A) supporting graduate level education and training in fields of:
      - (I) safety and ergonomics;
      - (II) industrial hygiene;
      - (III) occupational health nursing; and
      - (IV) occupational medicine;
    - (B) providing continuing education programs for employers designed to promote workplace safety; and
    - (C) paying reasonable administrative, personnel, equipment, and overhead costs of the occupational health and safety center.
- (c) "Workers' compensation insurer" means an admitted insurer writing workers' compensation insurance in this state that is required to pay the premium assessment imposed under Subsection 59-9-101(2).

(2)

- (a) A workers' compensation insurer may offset against the premium assessment imposed under Subsection 59-9-101(2) an amount equal to the lesser of:
  - (i) the total of qualified donations made by the workers' compensation insurer in the calendar year for which the premium assessment is calculated; and
  - (ii) .10% of the workers' compensation insurer's total workers' compensation premium income as defined in Subsection 59-9-101(2)(b) in the calendar year for which the premium assessment is calculated.
- (b) The offset provided under this Subsection (2) shall be allocated in proportion to the percentages provided in Subsection 59-9-101(2)(c).

(3) An occupational health and safety center shall:

- (a) provide a workers' compensation insurer a receipt for any qualified donation made by the workers' compensation insurer to the occupational health and safety center;
- (b) expend money received by a qualified donation:
  - (i) for the purposes described in Subsection (1)(b)(iii); and
  - (ii) in a manner that can be audited to ensure that the money is expended for the purposes described in Subsection (1)(b)(iii); and
- (c) in conjunction with the report required by Section 34A-2-202.5, report to the Legislature through the Office of the Legislative Fiscal Analyst by no later than July 1 of each year:
  - (i) the qualified donations received by the occupational health and safety center in the previous calendar year; and
  - (ii) the expenditures during the previous calendar year of qualified donations received by the occupational health and safety center.

Amended by Chapter 342, 2011 General Session